

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GARY WATSON, et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 10-986
	§	
KONICA MINOLTA BUSINESS	§	
SOLUTIONS U.S.A., INC.,	§	
	§	
Defendant.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION

Having reviewed the Magistrate Judge's Memorandum and Recommendation ("M&R") dated November 22, 2010, and the objections thereto, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court with two amendments:

First, having examined both the notice and consent forms submitted by Plaintiffs,¹ as adopted in the M&R,² as well as the notice and consent forms submitted by Defendant in its objections to the M&R,³ the court finds that Defendant's forms are clearer and more complete. The court therefore **ORDERS** that Defendant's notice and consent forms, not Plaintiffs', be sent to the potential class members.

Second, Defendant argues that no California resident should

¹ Plaintiffs' Motion for Notice to Potential Class Members, Docket Entry No. 22, Exs. 19 & 20.

² M&R, Docket Entry No. 42, pp. 21-22.

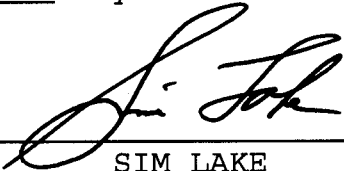
³ Defendant's Objections to the M&R, Docket Entry No. 46, Exs. 4 & 5.

receive notice, because Plaintiffs stated that they "do not contend that California technicians may join this collective action, nor do they seek to certify a class that includes them."⁴ Based on Plaintiffs' explicit language, current and former California-based technicians may not join this lawsuit; however, technicians who previously lived in and worked for Defendant in other states, but who now reside in California, may join this lawsuit, although only to the extent that doing so does not implicate their employment with Defendant in California.

With the above amendments, it is, therefore, **ORDERED** that the Memorandum and Recommendation is hereby **ADOPTED** by this court.

The Clerk shall send copies of this Order to the respective parties.

SIGNED at Houston, Texas, this 22nd day of December, 2010.



SIM LAKE
UNITED STATES DISTRICT JUDGE

⁴ Defendant's Objections, Docket Entry No. 46, p. 11; Plaintiffs' Motion for Notice to Potential Class Members, Docket Entry No. 22, p. 4 n.11.